

Message Text

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ACTION DLOS-09

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AGRE-00 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00
COME-00 DODE-00 DOTE-00 EB-08 EPA-04 ERDA-07
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TO SECSTATE WASHDC 2702
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AMEMBASSY RABAT

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TAGS: PLOS, EFIS, SP

SUBJECT: SPANISH CORTES PUBLISHES PROPOSED LAW TO
ESTABLISH 200-NM ECONOMIC ZONE

1. SPANISH CORTES PUBLISHED IN ITS NOVEMBER 26 OFFICIAL
BULLETIN A PROPOSED LAW TO ESTABLISH A 200-NM EXCLUSIVE
ECONOMIC ZONE FOR SPAIN. PROPOSAL PROVIDES FOR FIFTEEN
DAY PERIOD IN WHICH AMENDMENT MAY BE OFFERED AND STIPULATES:
THAT NEW LAW WOULD ENTER INTO FORCE SIXTY DAYS AFTER
PUBLICATION IN THE OFFICIAL BULLETIN OF THE STATE, WHICH
IN EFFECT WOULD MEAN AT LEAST LATE FEBRUARY 1978. UNDER
PRESENT PROPOSAL EXTENSION OF SPANISH ECONOMIC ZONE WOULD
BE LIMITED "FOR THE MOMENT" TO ATLANTIC COASTS (INCLUDING
CANARY ISLANDS AND CANTABRIAN SEA).

2. PRINCIPAL PROVISIONS OF PROPOSED LAW INCLUDE:
- IN ECONOMIC ZONE EXTENDING FROM OUTER LIMIT OF TERRI-
TORIAL SEA TO DISTANCE OF 200-NM, THE SPANISH STATE
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HAS SOVEREIGN RIGHTS TO THE EFFECTS OF EXPLORATION
AND EXPLOITATION OF NATURAL RESOURCES OF THE SEABED
AND MARINE SUBSOIL AND TO THE WATERS ABOVE;

- IN APPLICATION OF THE FOREGOING, THE SPANISH STATE
HAS (A) EXCLUSIVE RIGHT TO THE NATURAL RESOURCES OF
THE ZONE; (B) THE AUTHORITY TO REGULATE THE CONSER-

VATION, EXPLORATION AND EXPLOITATION OF THESE RESOURCES; (C) EXCLUSIVE JURISDICTION TO ENACT THE PERTINENT DECISIONS; (D) WHATEVER OTHER AUTHORITIES WHICH THE GOVERNMENT ESTABLISHES, IN CONFORMITY WITH INTERNATIONAL LAW;

- EXCEPT FOR CASES INCLUDED IN INTERNATIONAL TREATIES WITH STATES WHOSE COASTS FACE THE SPANISH COASTS OR ARE ADJACENT TO THEM, THE OUTER LIMIT OF THE ECONOMIC ZONE WILL BE THE MEDIAN OR EQUIDISTANT LINE (IN PUTTING THIS ARTICLE INTO EFFECT THE MEDIAN OR EQUIDISTANT LINE IS UNDERSTOOD AS THAT LINE WHOSE POINTS ARE EQUIDISTANT FROM THE NEAREST POINTS OF THE BASE LINES, TRACED IN CONFORMITY WITH INTERNATIONAL LAW, FROM LINES WHICH MEASURE THE WIDTH OF THE TERRITORIAL SEA OF EACH STATE);

- IN THE ECONOMIC ZONE, FISHING REMAINS RESERVED TO SPANIARDS AND, AS PREVIOUSLY AGREED WITH THE RESPECTIVE GOVERNMENTS, TO THE NATIONALS OF THOSE COUNTRIES WHOSE FISHING BOATS HAVE EXERCISED THE RIGHT IN A HABITUAL MANNER; FOREIGN FISHERMEN NOT INCLUDED IN THE PREVIOUS PARAGRAPH CANNOT FISH IN THE ECONOMIC ZONE EXCEPT AS THIS IS ESTABLISHED IN INTERNATIONAL TREATIES TO WHICH SPAIN IS PARTY;

- IN THE ECONOMIC ZONE LAW 93/1962, DECEMBER 24, WITH
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REGARD TO SANCTIONS FOR INFRACTIONS COMMITTED BY FOREIGN FISHING BOATS WILL BE APPLIED

- THE ESTABLISHMENT OF THE ECONOMIC ZONE DOES NOT AFFECT THE LIBERTIES OF NAVIGATION, OVERFLIGHT AND LOCATING OF SUBMARINE CABLES AND PIPELINES;

- IN THE EXERCISE OF FREEDOM OF NAVIGATION, FOREIGN FISHING BOATS SHOULD COMPLY WITH SPANISH REQUIREMENTS DESIGNED TO PREVENT SAID BOATS FROM CARRYING OUT FISHING IN THE ECONOMIC ZONE, INCLUDING THOSE REQUIREMENTS RELATED TO STOWAGE OF FISHING GEAR.

3. COMMENT: COPY OF PROPOSED LAW POUCHED TO DEPARTMENT, D/LOS. EMBASSY IS NOT AWARE OF ANY AMERICAN FISHING ACTIVITIES IN ZONE AFFECTED BY SPANISH ACTION. SPANISH FISHERMEN HAVE BEEN PRESSING GOVERNMENT FOR OVER YEAR TO ENACT 200-NM LAW AND DRAFT WAS REPORTEDLY COMPLETED IN MAY 1977. APPARENTLY DELAYS HAVE BEEN DUE MAINLY TO SPANISH ELECTIONS AND ORGANIZATION OF CORTES. SPANISH GOVERNMENT IS REPORTEDLY ALREADY BEEFING UP PATROL VESSEL STRENGTH OF NAVY AND AUXILIARY FLEET AND INTENDS TO

ENFORCE STRICT COMPLIANCE WITH LAW. STABLER

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